

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

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AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 12-1196 2. DATE DOCKETED: 04-16-2012
3. CASE NAME (lead parties only) State of Michigan, et al v. U.S. Environmental Protection Agency
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
If YES, cite statute _____
6. CASE INFORMATION:
- a. Identify agency whose order is to be reviewed: U.S. Environmental Protection Agency
- b. Give agency docket or order number(s): EPA-HQ-OAR-2009-234 and EPA-HQ-OAR-2011-0044
- c. Give date(s) of order(s): February 16, 2012
- d. Has a request for rehearing or reconsideration been filed at the agency? ☒ Yes ☐ No
If so, when was it filed? Various By whom? See attachment.
Has the agency acted? ☐ Yes ☒ No If so, when? _____
- e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
See attachment.
- f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☒ Yes ☐ No If YES, identify case name(s), docket number(s), and court(s)
White Stallion Energy Center, LLC v EPA, Case No. 12-1100, and consolidated cases
- g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☐ Yes ☒ No If YES, give case name(s) and number(s) of these cases and identify court/agency:

- h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates.

Signature /s/ Neil D. GordonDate 05-25-2012Name of Counsel for Appellant/Petitioner Neil D. GordonAddress P.O. Box 30755, Lansing, MI 48909E-Mail gordonn1@michigan.govPhone (517) 373-7540Fax (517) 373-1610

ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

In the
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATES OF MICHIGAN,
ALABAMA, ALASKA, ARIZONA,
FLORIDA, IDAHO, INDIANA,
KANSAS, MISSISSIPPI, MISSOURI,
NEBRASKA, NORTH DAKOTA, OHIO,
OKLAHOMA, COMMONWEALTH OF
PENNSYLVANIA, SOUTH CAROLINA,
UTAH, COMMONWEALTH OF VIRGINIA,
WEST VIRGINIA, and WYOMING,
TERRY E. BRANSTAD, GOVERNOR
OF THE STATE OF IOWA, ON BEHALF
OF THE PEOPLE OF IOWA,
and JACK CONWAY, ATTORNEY
GENERAL OF KENTUCKY,

Case No. 12-1196/
Lead Case No. 12-1100
(and consolidated cases)

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

ATTACHMENT TO DOCKETING STATEMENT

Petitioners in Case No. 12-1196 submit the following
supplemental statements to their Docketing Statement.

6(d). Requests for rehearing or reconsideration filed at the agency

The following entities have filed petitions for reconsideration at the U.S. Environmental Protection Agency:

1. FirstEnergy Generation Corp. (Docket No. EPA-HQ-OAR-2009-0234-20173, Feb. 17, 2012).
2. Texas Commission on Environmental Quality, Texas Public Utility Commission, and Railroad Commission of Texas (Docket No. EPA-HQ-OAR-2009-0234-20174, April 13, 2012).
3. ARIPPA (Docket No. EPA-HQ-OAR-2009-0234-20175, April 16, 2012).
4. Institute of Clean Air Companies (Docket No. EPA-HQ-OAR-2009-0234-20176, April 16, 2012).
5. Edison Mission Energy (Docket No. EPA-HQ-OAR-2009-0234-20177, April 16, 2012).
6. East Kentucky Power Cooperative (Docket No. EPA-HQ-OAR-2009-0234-20178, April 16, 2012).
7. Utility Air Regulatory Group (Docket No. EPA-HQ-OAR-2009-0234-20179 and EPA-HQ-OAR-2009-0234-20180, April 16, 2012).
8. Power4Georgians (Docket No. EPA-HQ-OAR-2009-0234-20181, April 16, 2012).

9. International Brotherhood of Boilermakers (Docket No. EPA-HQ-OAR-2009-0234-20182, April 16, 2012).
10. Southern Company (Docket No. EPA-HQ-OAR-2009-0234-20183, April 16, 2012).
11. Wolverine Power Supply Cooperative, Inc. (Docket No. EPA-HQ-OAR-2009-0234-20184, April 16, 2012).
12. Climate Policy Group (Docket No. EPA-HQ-OAR-2009-0234-20185, April 16, 2012).
13. Coal Utilization Research Council (Docket No. EPA-HQ-OAR-2009-0234-20186, April 16, 2012).
14. EarthJustice (Docket No. EPA-HQ-OAR-2009-0234-20187, April 16, 2012).
15. Puerto Rico Power Authority (Docket No. EPA-HQ-OAR-2009-0234-20188, April 16, 2012).
16. American Public Power Association (Docket No. EPA-HQ-OAR-2009-0234-20189, April 13, 2012).
17. Hawaiian Electric Company (Docket No. EPA-HQ-OAR-2009-0234-20191, April 16, 2012).

18. Basin Electric Power Cooperative (Docket No. EPA-HQ-OAR-2009-0234-20192, April 13, 2012).

19. Babcock & Wilcox (Docket No. EPA-HQ-OAR-2009-0234-20193, April 18, 2012).

20. Utility Air Regulatory Group (Docket No. EPA-HQ-OAR-2011-0044-5771, April 16, 2012).

21. Edgecomb Genco, LLC and Spruance Genco, LLC (Docket No. EPA-HQ-OAR-2009-0234-20194, April 27, 2012).

22. Environmental Integrity Project (Docket No. EPA-HQ-OAR-2009-0234-20195, April 23, 2012).

6(d). Standing of petitioners

The 22 state petitioners in Case No. 12-1196 have standing to challenge the Mercury and Air Toxics Standards Rule (“MATS Rule”) because it harms their interests and an Order from the Court vacating the MATS Rule will redress the harm. Among other things, the MATS Rule undermines electric system reliability and increases the cost of electricity in the petitioning states due to the anticipated shutdown of electric generating units to meet the required emission reductions. The

threat to electric system reliability and the increase in the cost of electricity will adversely affect the petitioning states' government operations and their economies.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2012, a copy of the foregoing Docketing Statement and Attachment to Docketing Statement was served electronically through the Court's CM/ECF system on all registered counsel.

/s/ Neil D. Gordon

Neil D. Gordon (DC# 436522)